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THE
PRESENT STATE OF TIPPERARY,

AS REGARDS THE LIBRARY
AGRARIAN OUTRAGES,
UNIVERSITY OF ILLINOIS,
THEIR NATURE, ORIGIN, AND INCREASE,
CONSIDERED,

WITH SUGGESTIONS FOR REMEDIAL MEASURES;

RESPECTFULLY SUBMITTED TO
THE RIGHT HON. LORD ELIOT, M.P.,
CHIEF SECRETARY TO THE LORD LIEUTENANT.

BY
A MAGISTRATE OF THE COUNTY.

* * * * * quæque ipse miserrima vidi,
Et quorum pars magna fui.

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PRICE—ONE SHILLING.  
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DUBLIN :
PRINTED BY G. R. TRACY,

32, LOWER SACKVILLE-STREET.

MAY, 1842.

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TO THE RIGHT HON.
LORD ELIOT, M.P.,

&c., &c., &c.,

CHIEF SECRETARY TO THE LORD LIEUTENANT.

MY LORD,

The present position of Tipperary is one of some moment, torn asunder as the Northern Riding of that County is, by the frequency and appalling nature of its Crimes.

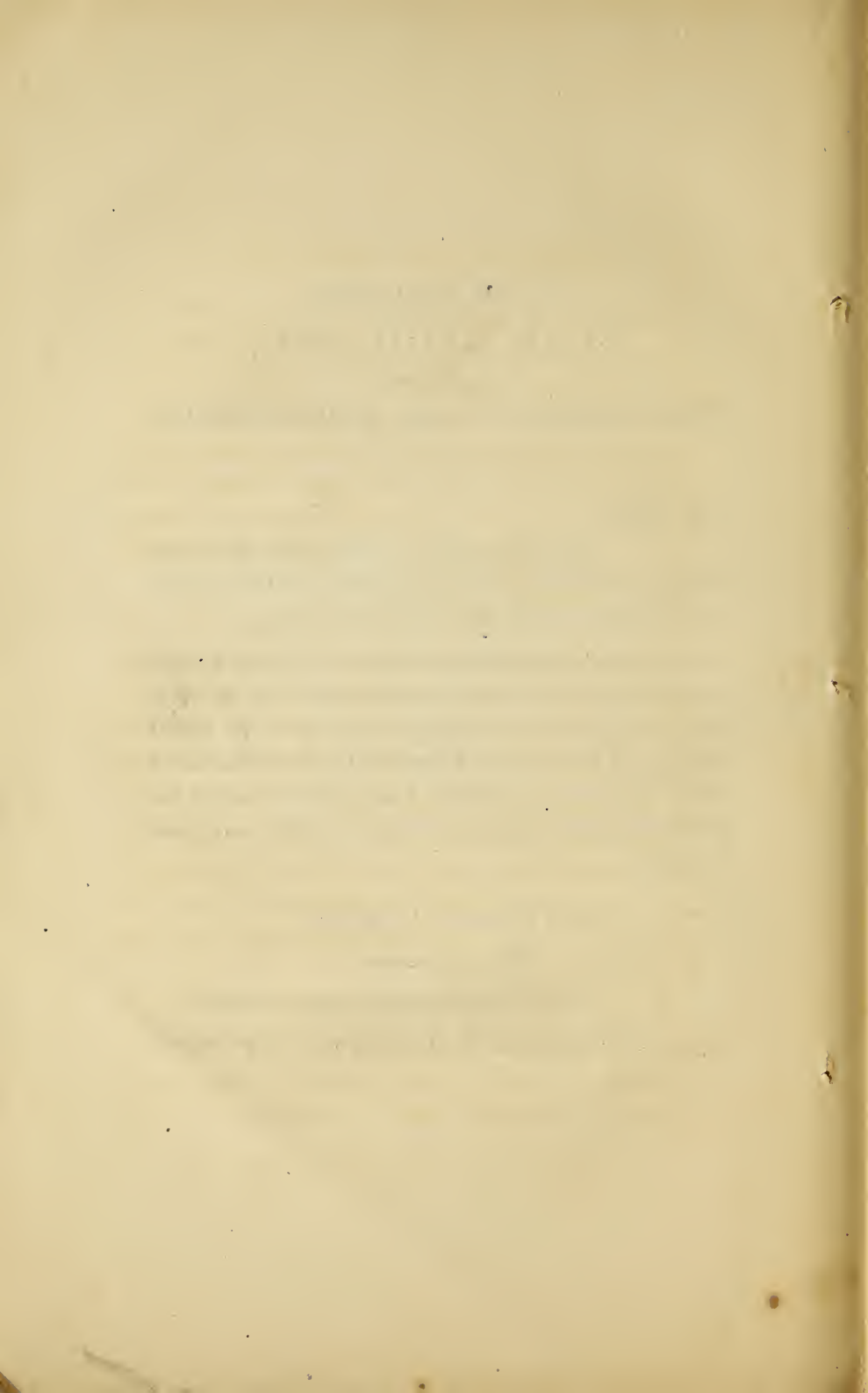
In respectfully and humbly submitting the following pages to your Lordship's notice, impressed with a sense of my own deficiency in ability to place their subject-matter in its true light, I therefore offer the remarks and suggestions they contain, more as subjects for consideration, than as being worthy of guiding you in the administration of your Lordship's high office in the Irish Executive.

I have the honor to be, my Lord,

With much respect,

Your Lordship's obedient, humble servant,

A MAGISTRATE OF THE CO. TIPPERARY.



INTRODUCTORY REMARKS.

The alarming extent and increase of Crime in Tipperary has now become the subject-matter of most grave and painful consideration—a consideration involving, in a great degree, the preservation of life and property, both, now, daily, and hourly assailed by lawless Depredators—those Monsters in human guise, who but too often cause the Widow and the Orphan to lament the fond Protector, doomed to an untimely grave at their guilty hands.

That crimes of every hue have been, and are being, perpetrated in Tipperary, is a fact not to be controverted—a most lamentable fact, which the Newspaper Press, teeming with reports of outrages daily committed, but too truly confirms, as also the reports made by the Constabulary.* Many, indeed, of these acts of outrage are so heinous in their nature—so marked by cruelty, atrocity, and barbarity—as to equal, if not exceed in their details, those of the most savage nations of the earth, excepting only the absence of cannibalism.

To offer some remarks on the nature and origin of these outrages, and the incentives to their committal, to account for their increase, as also to suggest some remedial measures for their suppression, shall be the

* See Appendix for Constabulary Report of Outrages, No. 1.

object of the following pages: a task which the writer deems himself, in some degree, fitted to discharge, by a residence, since childhood, in the county of Tipperary, and his connection with it as a Landlord and as a Magistrate.

Nevertheless, if in doing so he is constrained, through a spirit of justice to all, to make any observations which may be deemed either personal or offensive to any, it is trusted that such will not be imputed to any other motive than an ardent zeal for the public good.

NATURE AND ORIGIN OF AGRARIAN CRIME.

The term "agrarian" having been aptly applied to the "genus" of outrages to be considered, it is to be found that the possession of land, either to keep it, or obtain it forcibly, seems to be the chief "motive-power," or "casus belli" of the disaffected; the Outrages being directed, almost wholly, against those interfering, either directly or indirectly, to oppose the alleged or suppositious rights, claimed by the Riband confederates, to manage and distribute property, according to the rules of their sanguinary and revolutionary code. And scarcely is it possible for the Subject of a free country—the Inhabitant of happy and tranquil Britain, born under the protective pale of the Law and Constitution of the most civilized Nation of the globe—to believe in the tyrannic despotism exercised, in the maintenance of those rights, by the blood-stained lawgivers of Tipperary.

Under the genus, "agrarian," the several species of outrages to be considered may be classed; namely, homicides, violent assaults, malicious injuries to property, and the robbery of fire-arms: and the general system may be thus briefly described—A tenant becomes in arrear of the rent he stipulated to pay for his farm, and which arrear the Landlord seeks the recovery of, or, in default of payment, becomes re-

possessed of the premises. If relet, they are no sooner occupied by the new tenant, than he is visited by a gang of miscreants, who, after dragging him from the arms of his family, and placing him on his knees, bind him by an oath to surrender the farm by a specified day ; at the same time, perhaps, inflicting, as an admonitory warning, a gun-shot wound, or, when more mercifully disposed, such a beating, as often leaves the wretched victim a mutilated object for the remainder of his days, and unable to labour for the support of his family !! A case that is here cited will exemplify this description in all its bearings ; its scene is part of the estate of John Bayly, of Debsboro', in the barony of Upper Ormond, in this County, a Deputy Lieutenant of the County ; and its details have been traced from the year 1825 to the present time :

The widow of Thomas Boland, a tenant to about 40 acres of the lands of Ballynaclough, on the determination of the lease in the year 1825, owed an arrear of rent ; but the farm was offered to be reset to Her and her Sons, on the payment of that arrear, which they were unable to make. It was accordingly advertised, and a person named Michael Gaynor became the tenant, who gave the widow Boland four acres of it, at the same annual rent per acre that he, Gaynor, was himself to pay for the land. Gaynor, thereafter, lived in friendship with his neighbours, until the widow Boland's death, in the year 1839 ;

when, in consequence of some ill-treatment from the sons of the deceased widow, he declined to relet the four acres to them, and threatened proceedings to eject them.

In January, 1840, a party attacked Gaynor's house by night, and, having fired into it, lodged several balls in his bed. On this occasion, a dog, the property of the Boland family, was seen in Gaynor's yard.

17th January, 1841.—Gaynor having proceeded for the eviction of the Bolands by Ejectment process, in returning from the town of Nenagh, he was, at four o'clock in the afternoon, on the public highway, fired at, and afterwards severely beaten ! Wherefore, not being able to attend the Quarter Sessions Court, then sitting, his proceedings became void.

17th January, 1842.—As if to celebrate the brutal act of which this day was the anniversary, Michael Gaynor's son, Edward, was shot at whilst ploughing in his own field, and fell, mortally wounded !!!—three men having perpetrated this vile deed, at two o'clock in the day, in a populous neighbourhood, and seen by several persons, none of whom attempted to arrest the guilty parties ; nor has any information been since obtained to bring them to justice ! Edward Gaynor having died of his wounds, and whilst the last rites are bestowing on his murdered remains, the sorrowing Father was threatened with the same fate, if he did not surrender the farm, and which he accordingly did—Mr. Bayly, in the kindest manner,

having remitted to him £80, the amount of rent due, and presented him with £100, in lieu of his crops, and the persecution he had suffered.

Mr. Bayly, being abroad, deputed his brother, Richard Uniacke Bayly, Esq., to have the farm tilled, and to take the necessary steps to evict the Bolands.

In order to till the farm, Mr. Bayly's tenantry attended with their horses, and having ploughed that part of the land intended for a Potato crop, it was then let out in half and quarter acres to the poorer classes in the neighbourhood, at a moderate rent.

On the following Sunday notices were posted on the Church and Chapel gates of Ballynaclough, with threats of death to any who dared to sow potatoes, or that should till Gaynor's late farm; in consequence of which, all the poor people who had taken Potato land surrendered it, with the exception of James Roberts, Mr. Bayly's Steward.

On the following Friday, James Roberts was fired at, about seven o'clock in the morning, close to the house of Debsboro', but fortunately without effect, the assassin making his escape, although, in doing so, he must have passed by Mr. Bayly's labourers unmolested.

The next day, Mr. R. U. Bayly received a letter through the post, threatening him with death, "if he did not, within eight days, settle with the men who held Gaynor's farm before him;" and also received

several other communications, that his danger was *real*, and to observe caution in his movements, as it was *fully determined to carry the threat into execution*.

The consequences have been, that neither Mr. Bayly's tenants or labourers can now be induced to work on Gaynor's late farm on any terms. Such has been the intimidation established over the neighbourhood, that they are really afraid, or pretend to be so, to act contrary to the Riband directory; nor can labourers be obtained at any wages, and with Police protection, when informed where they are required: and so the matter now rests.

In another species the course taken is to consume by fire the house over the sleeping and unconscious inmates, reckless of the lives that may be sacrificed, and of the heavy taxation imposed, by Grand Jury assessment, in cases of malicious injury to property: this mode of aggression being extended to the injuring and destroying of all kinds of farm-stock and produce.

We have, in another species, the murder of Robert Hall, Esq., of Merton Hall, in this county—a gentleman possessed of extensive properties in other parts of Ireland, and who some years ago became the purchaser of the splendid Mansion-house and Demesne of Merton Hall, as also of other properties in its neighbourhood. Having been anxious to encourage an improved system of agriculture on his estates, Mr. Hall distributed agricultural seeds of the best sorts, at the first cost price, to his tenantry, allowing them

time until harvest to repay him, and even was in the habit of lending them small sums of money for farm outlay, free of interest, and repayable by easy instalments. Not stopping here, he had even offered premiums for the best crops, of various kinds, raised by his tenantry. But Mr. Hall looked closely after his tenants to prevent waste to his property, and endeavoured to produce a system of punctuality between him and them—a system which his early life, as an extensive merchant, had made a habit to him; and, yet, for so doing, his death was decreed. The circumstances attending the melancholy murder of this gentleman shall be detailed—

“Quanquam animus meminisse horret, luctuque refugit,
Incipiam.”

On the forenoon of the 19th May, 1841, Mr. Hall having been informed that one of his tenants at Uskane, his property, was about to burn the surface of some land, and which he had, a few days previous, expressly forbidden, repaired to the spot, and having alighted from his Car, had scarcely reached it when he was shot dead!!! Where? Close to the very hall-door of Uskane, the residence of William Kent, a member of a highly-respectable family, and tenant to about 80 acres of the lands: Kent not only being the person who was so burning the land, but the very person against whom a Bill of Indictment was *found* by the Grand Jury, at last Assizes, for con-

spiracy to murder, and abetting in the murder of Robert Hall ; but this we shall have occasion to notice in another place : suffice it to say, Mr. Hall was murdered, as described, in the forenoon, in a populous neighbourhood, where several must have been spectators, and in the midst of his tenantry, who should have been his protectors ; and, yet, it is shocking to humanity to add, no hand was raised to avert the assassins' aim, no effort made to stop their flight ; and, but for the most extraordinary and unremitting efforts ever used to elucidate the truth, this fell crime would still remain involved in mystery.

Mr. Hall carried on most extensive works on his Demesne in its improvement, and, consequently, thereby afforded employment and support to many ; he was, moreover, what is styled “ a Liberal ” in politics, and a great advocate for the mis-called “ rights of the people ; ” and yet such was the return he met with—such was the measure of gratitude allotted to him!!!

So much do such recitals savour of the fables of romance to ears not truly Irish, as to make them subjects of disbelief : to us they have not even the poor recommendation of novelty ; they are the common-place details of similar every-day acts, and which now to pursue would not only extend to an almost indefinite space, but would fill with horror, more than interest, the well-disposed reader : pass we, therefore, on to the next species.

The instances of employers being forced to part with farm Servants, who for honesty and diligence in their Master's business become obnoxious to the ill-disposed ;* and so *vice versa*, the Master is often times obliged to retain in, or take back into, his employment the Servant who has been dishonest and neglectful ! or, failing to do so, after warning to that effect, he suffers the penalty of his disobedience.

The next class or species of outrages, and the last to be specially noticed, is, that of the frequent Burglarious Robbery of fire-arms—all other objects of plunder being disregarded by the persons committing those acts. A case which occurred within this month will prove this :—On Sunday, the 8th instant, the Glebe-house, close to the town of Cloughjordan, of the Rev. William T. Homan, Rector of Modreeny, was, during that gentleman's absence at his Church, entered by three armed men and robbed of fire-arms. In searching for these arms, a Desk was broken open which contained Bank notes, on seeing which, one of the gang, bringing forward a Domestic, made her reckon the money, and bound her by oath as to its safety until her master's return ; another having broken a small China ornament, desired that Mr. Homan should be informed that the occurrence was *accidental* : and such are many of the cases.

The next subject to be considered is not easily

* See Appendix, No. 2.

approached, it being one involved in more of doubt and mystery—namely, the *origin* of those outrages. At present it would appear to the casual observer that religious prejudices, or those of party or politics, formed none of the ground-works in the origin of agrarian outrages : such, however, are not the real facts of the case ; for, though aggressions are now being directed against the possessors of property generally, with but little reference to sect or party, yet from the seeds of religious and party feelings have the present disturbances germinated. To understand this position, we must look so far back as the Revolutions of the 17th Century—to the forfeiture of Estates consequent thereon—and the introduction of a new race of Settlers into Ireland, the followers of William III., at the termination of those wars in 1691. These Settlers were naturally obnoxious to the subjugated Irish Catholics, who, from that time to the present, even in these days of emancipation, are not without their feelings of antipathy and jealousy towards the descendants of the Conquerors of Ireland : witness the various overt acts of rebellion, some even in the present century, for the overthrow of the British Throne in Ireland, and for the restoration of the forfeited Estates into the hands of Roman Catholics. Such has been the origin of the aggressions against the vested rights of property ; but, to carry out that system with any degree of success, property must be

assailed generally.* Yet, there is not an individual amongst the guilty actors who does not implicitly believe that Ireland will yet be theirs—the result of a bloody Revolution. Hence the eagerness of the Irish peasant to be possessed of fire-arms; each stand of which is, in his opinion, the “Title-deed” to a valuable Estate in perspective.

Illegal Societies having, therefore, first originated for the purposes of Party, arising out of religious rancour to the then possessors of property, the system has been, until the present day, going on increasing, as the words of the Latin Poet will describe—

“ * * * * * viresque acquirit eundo,
Parva metu primo; mox sese attollit in auras
Ingrediturque solo, caput inter nubila condit”—

until, at last, no limit is set to those deeds of aggression. It is, however, to be remarked, that those illegal confederacies consist wholly of Roman Catholics, but, generally speaking, of the lowest and most ignorant classes of society; being confined, almost altogether ostensibly, to farm Servants and the younger branches of the families of small Farmers, who either are ignorant of, or connive at, the guilt of their sons.

The incentives to crime are many and powerful, and hence follows its rapid increase; the most obvious of which shall now be noticed: and in the first rank

*See Appendix, No. 3.

is that vicious and baneful political agitation, adopted of late years by unprincipled and artful Demagogues, for their own aggrandisement and profit—robbing a duped and ignorant people of their scanty and hardly-earned means of support, and plunging them into all the miseries of crime, by the dissemination of foul and seditious harangues, diffused through a Press enjoying too much liberty in its action—a Press, exercising that liberty to a most unwarrantable extent, and, subversive of humanity and loyalty, working, by the publication of inflammatory matter, on the feelings of a too credulous and excitable People.

It may be here mentioned, that the portion of the Newspaper Press containing such objectionable matter is now much in the hands of the people, through the means of the various Temperance Society Committee-rooms, and which, we regret to find, have been turned into places for political debates, and for holding Courts of inquiry into matters foreign to those they were, we will suppose, instituted for. And, though the Temperance Society has caused a great moral regeneration in Ireland, yet it is painful for one who holds it in respect to add, that, so far as regards the present disturbances in Tipperary, the operations of temperance are unfavourable towards their suppression.

To the pernicious System of Money-lending, at rates of enormous Interest, as practised by the Small-money-lender of each locality, may be traced another powerful and fertile incentive to Crime. These

heartless and mercenary Individuals who amass their Hundreds by lending Money in small sums to distressed and, perhaps, almost starving Beings, are, for the most part, obliged to have recourse to the process of the Law for the recovery of the debt, and which is done in the most unfeeling and tyrannic manner—driving the unfortunate victims of want and oppression to acts of criminal obstruction, the results of destitution, recklessness, and desperation. The Interest charged on those transactions generally is, *One Shilling per Pound for each Month*, being at the rate of *Sixty per Cent. per Annum!!* And as another branch of the same system follows, the very prevalent custom of others of those monsters of avarice, that of buying up large quantities of Potatoes and other provisions at cheap Seasons—thus raising the Markets on the Poor, in order to sell them “on time,” as it is called, at the commencement of the Summer, or scarce Season, at a *doubled*, and even *quadrupled* price to the wretched Objects of want and famine, who, to sustain life, are satisfied to become bound, by Note or other legal security, for the amount of debt so incurred—the very Instrument which thereafter consummates their misery. To suppress such a System, the re-enactment of the Usury Laws in Ireland ought to be useful, together with the more general application of the “Loan Fund” System as established in Ireland under the Acts of the Sixth and Seventh of William the 4th, cap. 55,

and of the First and Second of Victoria, cap. 78.—In fact, the “Loan Fund” might prove, not only an useful, but a lucrative adjunct to the Poor Law Bill for Ireland, by making that principle part of the Poor Law machinery. The advantages to be derived from a judicious working of the Loan Fund System are almost incalculable, and which may be estimated by the Annual Report made to Parliament by the “Central Loan Fund Board ;” and evidence of the strongest nature is produced in the Report of one of those “Loan Fund Societies,” that of “Tyrrell’s Pass,” of the proceedings of that Society for the year 1841, a copy of which the writer was favoured with by the Reverend William Eames, Manager and Treasurer to the Society. Two short extracts from the Report are given in the Appendix. *

In the next place, we have a most powerful incentive in the general sympathy with the Criminal displayed, not only amongst persons of his own class in the country, but even extending to a higher sphere in life. In fact, every door is open for the guilty—every plan is devised to screen him ; and, unless through the hope of obtaining a large pecuniary reward, seldom, if ever, through a love of justice, is a voice raised to declare the Criminal’s guilt. It is not then to be wondered at, that the murderer stalks abroad, in the glare of day, to commit his foul deeds,

* See Appendix, No. 4.

when every Cottage is his sanctuary—when every Spectator is his abettor. Nor can persons now be easily obtained, even for the very large rewards offered, to appear as Crown witnesses—such odium is attached, not only to the parties so appearing, but to their Relations, Connections, and Friends, to a very remote degree ; and the being branded with the epithet “ *Informer*,” is looked on as being far more derogatory than that of “ Murderer ” or “ Robber.” An instance is of recent occurrence :—A person named Timothy Horan, at the Assizes of Nenagh in March last, as an approver, gave evidence against his companion, Patrick Burnes, for the murder of Mr. Hall. A Brother to this very Horan had, by good conduct in the service of Mr. Dancer, of Modreeny—a gentleman of the highest respectability, and heir to the Title and Estates of a very old Baronetcy in Ireland—raised himself, from the station of common Labourer, to be that gentleman’s Steward, and was consequently in a comfortable position : yet this very man has abandoned all, and is at this instant on the ocean, seeking to hide his *disgrace*, as Brother to an “ *Informer*,” far from the land of his birth !!!

Following the foregoing case, very closely, is another incentive—viz.: the tardy and uncertain steps by which justice overtakes the Criminal, and the too frequent impunity of crime, arising from the causes before stated, aided by the mal-administration

of the Laws of late years ; and to which may be altogether imputed the present alarming state of Tipperary. Assizes after Assizes pass over without the guilty being convicted, or, if convicted, meeting punishments commensurate with their guilt. In the great majority of cases, the Prisoners escape altogether, by unfit persons being permitted to serve on Juries ; which has been chiefly owing to the Crown Prosecutors waiving, and most culpably doing so, the right to challenge, or set aside Jurors, whose rank in society—whose trade, or calling, in business—whose expressions and acts—and whose fear and partiality, constitute them unfit and improper persons to serve on Juries, where the issues of life and property are at stake. Much would rest with the High Sheriff of Tipperary in his formation of a Petit Jury panel ; for were he, the Sheriff, to frame his Petit Jury panel, having a due regard to classification as to property and station, without any reference to creed or party, then, indeed, would be found at the head of that panel, in this the Northern Riding of the county, at the least, one hundred names, and which would be, *in themselves*, a sufficient guarantee to the public for the correctness of their verdicts. Such has not been the case ; and, turning to the Petit Jury panel of the last Spring Assizes, held at Nenagh, it will be found that its classification had only reference to Creeds, but in all other respects the persons composing it were huddled together promiscuously. Not that the High

Sheriff, himself a man of honour and impartiality in all his acts, is further blameable than inasmuch as he was following the very bad example of his Predecessors in office, with the single exception, for some years, of the Hon. F. A. Prittie, who, at the Special Commission held at Clonmel in the year 1839, returned on his panel the names of the Magistracy and leading men of the county. In the Appendix will be found the Petit Jury panel of Nenagh Spring Assizes, 1842, and attached to the names the amount of Freehold registered by each;* and which would, so far, serve as an index to classification as regards property. What the issue of that Commission of Assize was, may be contemplated, on turning to the Appendix† for the Rule of Court at its termination, and contrasting it with the Summary of the Calendar of Prisoners for trial. One of the trials, and which occupied the Court for two days, was that of Patrick Burnes for the murder of Robert Hall. In this case two Approvers were produced for the prosecution, who gave their evidence both clearly and satisfactorily, strongly corroborated by other witnesses; and, yet, the Jury were discharged without having agreed to a verdict; the numbers having been—*eleven* for acquittal, and but *one* for conviction.‡

* The writer having endeavoured to procure a copy of the Jury panel in the proper quarter, has not been able to obtain it, which must be his apology for its non-appearance in the Appendix.

† Appendix, No. 5.

‡ See Appendix, No. 9.

This case being still “sub judice,” no further reference shall be made, unless as to the Jury empanelled to try it. So arranged was the Petit Jury panel to the taste of the Agent who conducted the Prisoner’s defence, that, without expending the 20 peremptory challenges permitted by Law, a Jury was formed ; and that that intelligent Professional gentleman was correct in the estimate he had formed, the issue was a very distinct proof. There was on that Jury one person, and perhaps more than one, who had avowed scruples to convict where the life of the accused would be the forfeiture for the crime : and, yet, though this fact, as the writer has reason to believe, with others equally powerful, was known to persons conducting the prosecution on behalf of the Crown, but one Juror was set aside by them. It can scarcely be imagined, that a case in itself of such importance, and one which actually involved the future peace and tranquillity of the country in its issue, should be thus recklessly entrusted to the hands of persons, who, some by their interests and occupation in trade—some by their actions and expressions—and others by their fear and partiality, were totally unfit to try it. Far better would it be, indeed, to have a general Gaol delivery by Proclamation, than, by continuing to enact such farcical scenes in a Court of Justice, to bring disrespect on one of the most perfect forms of Laws ever promulgated ; and from which follows another very

deplorable consequence ; to wit—the very many cases where the witnesses for the prosecution encounter more risks than the accused, and find him “ *at home* ” before themselves. This very circumstance has an effect injurious beyond contemplation, throwing impediments, scarcely to be numbered, in the way of Magistrates, in bringing accused parties to trial in this County.

REMEDIAL MEASURES SUGGESTED.

The first Remedy which the writer would suggest for the suppression of “ agrarian crimes ” in Tipperary is, to make the Peasantry *respect* the Law of the land. Not that *moral respect* which flows from loyalty, for that could not be inculcated ; but that *physical respect* which operates by a fear of punishment, if placed within the powers of the Law. To effect this, the accused parties should be brought to trial with more celerity than the ordinary course of periodical general Gaol deliveries, as now arranged, admit of ; and convictions being had, that commensurate punishments should *instantaneously* follow them. Only let the extreme Sentence of the Law, the punishment of *death* be altogether expunged from our Statute-Book, and let our fellow mortal, whom *we* have pronounced *Guilty*, be *immediately* sent from his Home, from his Family, and from his Friends, to spend in all the miseries of Slavery and Exile the residue of that term

of life which the Almighty Judge of all men may allot to him.

To carry out the principle of Crime and its Punishment, following closely on each other, the ordinary Law of the land is armed with sufficient powers. Let Commission after Commission issue for the trial of Offenders—not such mockeries of justice as are enacted at each periodical Assize Commission, at which Judges possessed of too *nice* feelings, and Petit Juries possessed of too much *fear* and *partiality*, preside ; but let the Judge be one of good moral courage, and let the Juries be composed of such men, and they are to be had, as, from their rank and property in the County, will “ a true verdict give according to the evidence,” and, it may be added, “ without fear, favour, or affection, or through malice, envy, or ill-will.”

As the ground-work of the foregoing, a numerous and effective Police force is most necessary, in the hands of energetic and talented Stipendiary Magistrates, who are most useful and requisite to assist the Local Magistracy in disturbed Districts. But the Police force is by no means sufficiently numerous in disturbed Districts for effect ; nor is there a sufficient facility at present existing in the hands of the Magistracy, either Stipendiary or Local, for the concentration of bodies of Police at certain points, or for increasing their numbers in cases of urgency ; in other words, too much delay takes place in *correspondences* with the heads of the Constabulary de-

partment before the necessary orders are given, and, to use a very vulgar phrase, "*the Stable-door is shut when the Horse is gone.*"

There are, however, those sagacious Financiers who, at all times, will argue against a large Police force, on the grounds of the increased taxation thereby incurred to the County ; but let those persons only calmly and candidly consider the taxation imposed by the commission of crimes—instance the expenses of Prisoners filling our Gaols to overflowing, the various incidental expenses attending their trials, &c., &c., and last, not least, the amount of the annual taxation to compensate for malicious injury to property—let these various items be placed to the credit side of the account of expenditure for an increased Police force, and then strike a balance, and it will be found, we doubt not, that a large Police force, in such a County as Tipperary, is a *saving* of taxation.*

The force should, however, as before stated, be more easily moved or concentrated as occasion required, and, in addition, should be provided with Camp equipage, as many cases occur where houses cannot be obtained, either through a want of suitable houses, or where the owners either will not, or dare not, let them to Police.

Having now suggested what may appear to be

* See Appendix, No. 6.

measures of Severity and Coercion, it must be explained that these in their issue will prove more humane and moderate than those of the Temporizer and Conciliator. The misguided Peasantry would soon begin to feel the supremacy of the Laws, and would return from their criminal habits to those of Industry and Peace ; and such a state of things being effected, the *disease* being eradicated, *tonics* should be applied.

Most stringent means should be adopted to put down that baneful agitation of the *Few* who, at the expense of the *Many*, encourage the Criminal against his God, the Subject against his Sovereign, and the Tenant against his Landlord and Benefactor ; not but “ *that Property has its duties as well as its rights*”—“ *duties*” that ought to be very feelingly and strictly attended to, on that Divine principle, of “ *Do unto others as you would wish to be done unto,*” and not on that too frequently adopted by mercenary and unfeeling men, *the gratification of their own whims, the enrichment of their own coffers* ; and to render small Tenements and Farms more easily procurable to the lower classes, a shorter and less expensive Process for the recovery of such should be adopted ;* and also a more defined and easier system for the collection of the rent of Con-acre land, which would open an increased field to the more humble classes to raise

* See Appendix No. 7.

provisions, should be enacted ;* and, to conclude, a Bill cannot be framed too strong to prevent improper persons being possessed of fire-arms.

The foregoing had been just ready for the Press, when two more murders, both of the most atrocious nature, are added to the catalogue of crime in Northern Tipperary!! And, oh! are not such acts sufficient to cause an offended Deity to pour out the phial of his wrathful vengeance on a land rich and fertile in its soil, and capable of supporting in happiness and industry its abundant population? The particulars of one is given as detailed in the *Nenagh Guardian* Newspaper of the 21st instant, and are as follow :—

“ MURDER AND INQUEST.

“ The blood of another slaughtered victim cries unto Heaven for vengeance against North Tipperary. The wail of the widow and her five helpless orphans is heard aloud, startling the stillness of morning; and the heart of humanity shudders with horror at the mention of the barbarous and revolting atrocity. The victim in the present instance was a man in the humbler walks of life; and his alleged offence that of summoning trespassers in his capacity of under care-taker on the lands of Kilgurtin, a portion of the Bowen estate, in this county. It seems he left his lodging-house at Toomavara on the morning of Wednesday, between the hours of four and five o'clock, for the purpose of visiting those lands; and that in about an hour after he was found lying on his face and hands on a dung-heap by the road side, in the very last shiver of death, with a gun-shot wound in his neck, and the back

* A Bill for the better regulation of Con-acre lettings in Ireland was, some years ago, brought into the House of Commons by Mr. Lucas, the present Under-Secretary for Ireland, but did not become the Law.

part of his head badly fractured in two places. There is a veil of mystery thrown over the murder which is sickening to reflect on. For the further particulars we refer our readers to the inquest, of which we give a copious account.

“ The body of the murdered man exhibited a frightful spectacle. His face was all burned and black from the powder, except a small streak of blood about the mouth ; one of his eyes was swollen and much bruised ; his bosom was scorched, for the wadding of the gun or pistol having lodged, burned his waistcoat and shirt ; so that he must have suffered, along with the other agonies of death, the torture of burning. There was only one wound in the neck, though two pistol balls had been extracted, and the back part of the head broken in. One of the hands was much burned, from which one would be led to believe that even in death the murdered man must have ‘clutched’ the burning garment on his bosom.

“ When deceased was brought into Toomavara on a car by the police, the man with whom he had lodged refused to admit the dead body into his house ; every door was shut against it ; and the result was, that the bloody and blackened carcass lay on a dunghill, like some vile and loathsome thing, until the police towards evening broke open for its reception a waste tenement belonging to Mr. Justice.

“ It was the fear of a similar fate that operated on the people so as to lock up the springs of sympathy. The vengeance of Ribandism dies not with its victim. It wars even with the dead. It follows the gory and mangled corpse to the very brink of the grave, and gloats with fiendish exultation as the clods rattle on the sounding coffin—as the widow and her hungry orphans raise the wild wail of desolation over the grave that closes for ever on their earthly hopes.

“ Such crimes as these are ‘enough to freeze the blood.’ Upon horror’s head, horrors accumulate ; and the very mention of the name of Tipperary conjures up before the mind’s eye scenes of hideous barbarity—scenes before which the deeds of the savage Indian that prowls the prairie with his murderous tomahawk, sink into insignificance.

“ The inquest was held in the village of Toomavara, which is

about an English mile from the scene of murder. Major Priestly, the Provincial Inspector; Joseph Tabiteau, Esq., R.M.; James Willington, of Castle Willington, Esq., J.P.; and Mr. Sub-Inspector Blake, were in attendance. These gentlemen (for deceased was only worth three pence when he was murdered) raised a subscription to defray the expenses of burial, and to procure subsistence for the widow and orphans, until Mr. Willington would procure them an asylum in the Nenagh Poor-house."

The second, the murder of Rody Kennedy, a most respectable farmer, residing about one mile from the town of Cloughjordan, who, at an early hour on Friday morning, the 20th instant, left his home, it is supposed, for the purpose of repairing a fence, having taken a hatchet in his hand. Not having been seen by his family for the day, they felt rather uneasy at his absence, but had a hope that he had gone to his father's, a few miles off. His dead body was, however, yesterday morning discovered by a woman going to milk her cow, concealed underneath some bushes at the fence he had been repairing; the greater part of the head being cut away, the brains and portions of the skull dashed to pieces!!! the whole presenting a most appalling sight; one of which the writer himself was an eye-witness, and in whose ears the cries of the orphans are yet ringing. Alas! when will such deeds of blood end? The hatchet has not been found as yet; all is involved in supposition.*

*See Appendix, No. 8.

APPENDIX.



APPENDIX—No. 1.

Return of Outrages committed in the Neagh, Borrisokane, and Newport Police Districts, during Three Months, commencing 10th February, and ending 10th May, 1841, compared with the corresponding periods of the year 1842.

Shewing Increase and Decrease.

(NOTE.)—The above Report by no means gives an adequate idea of the real state of the Country, many cases of "Demand of Arms" not being reported to the Authorities, but more especially "Threatening Notices and Letters," which, if reported, would amount to *Hundreds* instead of *Units*, as the writer has reason to know; yet such, my Lord Eliot, are the "Data" on which, and which alone, you seem to form your estimate of the state of Crime in Tipperary.—See your Lordship's Speech as reported in the Debates in the House of Commons, in Reply to a Question put by Mr. W. S. O'Brien as to the Disturbances in Northern Tipperary.

APPENDIX—No. 2.

On yesterday afternoon, 29th May instant, two Riband-men one of them armed with a Pistol, went to the House of Mr. John Hogan, late Butler to Earl of Ross, and now the proprietor of a large Farm on his Lordship's Estate at Carrigagown, about four miles from Borrisokane, and having met Mr. Hogan outside his House, one of the fellows presented the Pistol at him, and ordered him, on pain of death, to dismiss his Steward, William Brown ! Some friends, luckily at this moment, rushed from the House, and, after a sharp race, and desperate contest, in which one of the Ruffians attempted to discharge his Pistol, which *burned priming*, close to the head of George Macdonald, and, after the exchange of several severe wounds and knocks-down, succeeded in making Prisoners of the two, whom they handed over to the next Police party.

The Persons concerned in this praiseworthy and valiant act deserve to have their names recorded ; and, not only that, but we sincerely hope that John Hogan, George Macdonald, Thomas Gribbins, William Brown, and William Allt may soon receive some *signal mark* of the esteem in which such a noble act, and one so *uncommon* in Tipperary, is held by the Government and the Gentry of the County. An handsome Contribution is not only called for, to Reward those good and true men, but also as an example and stimulus to others "to go and do likewise."

The writer has just ascertained that Patrick Dwyer and Cornelius Flynn, the two Prisoners, are *the Sons of comfortable Farmers*—the one possessed of 40 acres, the other 20 acres of land.

In consequence of rumours of an attack being contemplated last night on Hogan's House, by 60 *armed men*, seen late in the evening about the neighbourhood, the Resident Magistrate, Captain Duff, and a large Police force, have been out all night, but did not fall in with them.

May 30th.

APPENDIX—No. 3.

The Letter, of part of which the following is a copy, gives some idea of the immediate objects of the Ribband Confederacy: it was addressed to a Gentleman in the North Riding of Tipperary, and seems to be an apology for the posting of a Notice threatening that Gentleman:—

“ Kilgurtin, 17 June, 1841.

“ Sir—I send you those lines to remove all doubt from your mind concerning the Notice I understand was put up for you—it was not from me. Believe me I hold a greater esteem for you than to put you on a level with Tyrents. I respect the law of the land and all those who administer it, for which I hold you as one of them. What I want to put down is what you can't get at by the law of the land—that is Tyrents of all descriptions—wicked Rich men that is denounced in the Criptures, when their own bellies is pampered, has no compassion on the poor; but still oppress them, dispossesses them, turn them out of doors in the couldest seasons, let them live or die no compassion for them—they is the people I mean to put down and will put down. Sir, be assured you are welcome to travel all parts of this country night or day, for you are held in esteem to be a charitable good man to your tenantry and the poor in general. Don't think I would put you on a level with a P——t, G——, H——, or P——, or any other such blodsucing Tyrents as them. It was some brat put up that notice that had no understanding—therefore banish all thoughts of it from your mind, and send back your * * * * again, and I will go bail the shall be cared for you, for I will give orders to my men to watch and protect them, which they are eager to do so. All the information I got I will give it to you. * * * * * * * *

As I told you H—— saw the man posting the notice—between them they are the pack that put up the notice I am sure.

“ No more at present, but remain

“ Your humble servant,

“ CAPTAIN SUNSHINE.”

APPENDIX—No. 4.

Extracts from Report of Tyrrell's Pass Loan Fund Society for the year ending 31st December, 1841.

In the course of the season, sixty-six tons of meal were sold from the store, of which the effects were :

1st—That the markets were lowered, it is said, 5s. ~~per~~ cwt. for ten or twelve miles around Tyrrell's Pass ; and

2nd—That the meal-mongers, who, in the beginning of the season, had been demanding 21s. per cwt. for their meal, were glad to dispose of it at 13s. Farther—very many, nay, most of those who thus preyed upon the poverty of poor farmers, have abandoned the traffic.

The value to the small farmers and labourers of this issue of meal is almost incalculable. To use their own language—it saved numbers from the road—that is, from begging—and kept the roof over others.

It only now remains to advert briefly to the operations of the past year. It was a year of difficulty and distress, and both were aggravated by the three preceding years of severe pressure on the landholders.

To the interposition of the Loan Fund, in its various operations, may be ascribed a considerable mitigation of these hardships.

| | | | | |
|---|-----------------------------|-----|-----|---------------|
| The issues in the year in Money were, £22,655 0 0 | | | | |
| Do. | in Seeds, | ... | ... | 245 8 10½ |
| Do. | in Meal, | ... | ... | 861 1 9½ |
| Do. | in Agricultural Implements, | | | 13 0 0 |
| Do. | in Wool, | ... | ... | 256 11 8 |

£24,031 2 4

A capital of this amount worked in the vicinity could not fail of being productive of either much good or much evil.

APPENDIX—No. 5.

CALENDAR FOR THE NORTH RIDING OF TIPPERARY, SPRING, 1842.

| | |
|--|----|
| Murder, | 6 |
| Aiding in do. | 10 |
| Attempting Life, | 1 |
| Appearing in Arms, | 3 |
| Administering Unlawful Oath, | 6 |
| Attacking Houses in Arms, | 5 |
| Assault, | 1 |
| Conspiracy to Murder, | 1 |
| Felonious Assault, | 3 |
| Grievous Assault, | 2 |
| Having stolen Cows in possession, | 2 |
| Ditto, stolen Goods, | 2 |
| Larceny, | 2 |
| Robbery of Arms, | 2 |
| Sheep Stealing, | 1 |
| Threatening to take Life in Arms, | 4 |
| Total, | 51 |

RULE OF COURT.

Transportation for Life.

John Hogan, for aggravated Manslaughter, ... 1
For Fourteen Years.

John Harding, for Administering an Unlawful Oath, 1
Imprisonment for Eighteen Months.

Patrick Quinlan and Patrick Skehan, for Appearing in Arms, 2
For Twelve Months.

Patrick Ryan, for Manslaughter, with hard labour.—
Michael Murphy, for Sheep Stealing, and George
Sewel, for Perjury, the first nine months at hard
labour.—Mary Ryan, for Larceny, 4
For Nine Months.

Martin Jones and Martin Williams, for Manslaughter,
the first six months at hard labour, 2
For Six Months.

Michael Ryan, for Appearing under Arms; and Joseph
Connolly, for Felonious Assault, with hard labour.—
John Dooly, for Cow Stealing, 3
For Three Months.

Tim. Ryan and James Jones, for grievous Assault. with
hard labour, 2

APPENDIX—No. 6.

Extracts from Summary of Presentments filed for the North Riding of Tipperary—Spring Assizes, 1842.

| | | | |
|--|-----|-----|------------|
| Proportion to be contributed by the North Riding | | | |
| towards the support of the County Prison at | | | |
| Clonmel, until Summer Assizes, | ... | ... | £869 12 8 |
| Same for Expenses of Bridewells, (N.R.) | ... | ... | 611 14 7 |
| To repay Treasurer for Expenses paid Witnesses | | | |
| at one Assizes, (N.R.) | ... | ... | 224 11 6 |
| To pay Malicious Injuries' Compensation, | ... | ... | 143 19 1 |
| Expenses of Coroners' Inquests, (N.R.) | ... | ... | 95 7 9 |
| | | | <hr/> |
| | | | £1,945 5 7 |

Proportion of Police Expenses on

| | | | |
|---------------|-----|-----|-------------|
| North Riding, | ... | ... | £3,346 13 3 |
|---------------|-----|-----|-------------|

APPENDIX—No. 7.

As a proof of the necessity for some Enactment to facilitate the recovery of small Holdings, many cases might be given; one may here suffice:—In the week now current the Sub-Sheriff of Tipperary attended, accompanied by a Police escort, to give possession, under an “Habere,” of certain Houses and Lands on a property in the Barony of Lower Ormond. In the course of his duty, the Sheriff was obliged—heartrending as such a proceeding was—to have removed from their Houses, and from their *Beds*, some members of a Family lying ill in contagious Fever!! it being totally impossible for the Sheriff, or even for the Landlord or his Agent, if present, to admit them to retain, or re-enter into possession, such are the delays and expenses this proceeding would admit of—and which the Peasantry are too fond of taking advantage of. The consequences are, that they are, in those cases, generally dependant on their neighbours’ charitable feelings for a lodging—the Landlords frequently, perhaps at their own loss, levelling the Houses, to prevent re-occupation. The extension of the Act of 1st and 2d Victoria, entitled “An Act to facilitate the recovery of small Holdings,” might prove useful.

APPENDIX—No. 8.

The writer is happy to be able now to state, that, through the instrumentality and exertions of Captain Duff, R.M., Borrisokane, the savage murderer of Rody Kennedy has been discovered. James Shea has been committed to Gaol as the Principal, and James Harty as the Conspirator—on evidence *satisfactory in every respect*. James Shea is the Farm-Servant to James Harty, *the Partner in the Farm with the murdered Kennedy*. The Hatchet has been recovered, clotted with Blood and Hair.

May 30th.

APPENDIX—No. 9.

Mr. Thomas Parker, the Juror who held out for a conviction in this case, has, in consequence of information conveyed to him through a Government Officer, of a conspiracy to take his life, left this county to lay his case before his Excellency the Lord Lieutenant—the reason assigned being, not only to punish Mr. Parker for his conduct as a Juror, but to *intimidate* any future Jury empannelled to try the case.

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